IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

JOHN DOE #1, JANE DOE #1 : JOHN DOE #1M. et al. :

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Plaintiffs,

:

v. : Civil No. 8:21-cv-00356-PJM

.

MONTGOMERY COUNTY BOARD OF EDUCATION, et al.

.

Defendants

<u>DEFENDANTS BOARD OF EDUCATION, SULLIVAN, CROUSE, WALLICH, AND</u> COLBERT'S MOTION TO SEAL STATE COURT RECORD

Defendants, Board of Education for Montgomery County, Maryland ("BOE"), Jeffrey Sullivan, Casey Crouse, Eric Wallich, and Vincent Colbert, by and through their undersigned attorneys, hereby move this Court for an order to seal the certified copy of the Circuit Court of Maryland, Montgomery County court record for Case No. 478907 (ECF 19-1). In support thereof, Defendants state the following:

- 1. This civil lawsuit arises from an alleged series of sexual assaults perpetrated by students on the JV football team against their fellow teammates in the locker room. Plaintiffs' claim that Defendants are liable for violations of Title IX, 42 U.S.C. § 1983, and under the theories of negligence and gross negligence.
- 2. The lawsuit was originally filed in the Circuit Court of Maryland, Montgomery County on or about February 6, 2020. After the Plaintiffs added Federal Claims on January 15, 2021, Defendants removed the case to this Court (ECF 1).

3. In the months prior to removal, the Parties engaged in extensive discovery which

was governed by a Confidentiality Order (ECF 1-47, ECF 1-80). In addition, several documents

were filed under seal in the Circuit Court because the documents cited discovery designated as

"Confidential" pursuant to the Confidentiality Order, referred to third party minors, or discussed

confidential education, personnel, and medical records (ECF 1-171, 1-172, 1-185, 1-186, 1-201,

1-210, 1-213, 1-235, ECF 4-1 to 4-8). Copies of these documents were filed with the Notice of

Removal pursuant to Local Rule 103.5(a), along with a Motion to Seal on February 12, 2021 (ECF

5).

4. Pursuant to Local Rule 103.5(a), Defendants have filed a certified copy of the State

Court record (ECF 19-1). The record certified by the Circuit Court for Montgomery County,

Maryland includes the sealed documents. Therefore, the certified record should be sealed.

5. There is no prejudice suffered by any Party by granting this Motion and no

mechanism short of sealing will protect the Parties' interests.

WHEREFORE, Defendants Board of Education, Sullivan, Crouse, Wallich and Colbert

respectfully request that this Court grant this Motion to Seal the State Court Record and ECF 19-

1 through ECF 19-8 be ordered to be filed under seal with the Court, and to grant such further

relief as this Court deems proper.

Respectfully submitted,

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